

EUREKA TOWNSHIP
Dakota County, State of Minnesota

TOWN BOARD MEETING
December 13, 2022 – 7:00 P.M.

Call to Order

The Eureka Township Town Board meeting was called to order at 7:04 p.m. by Chair Lu Barfknecht and the Pledge of Allegiance was given.

Supervisors Present: Lu Barfknecht, Donovan Palmquist, Ralph Fredlund, Nancy Sauber and Kathleen Kauffman.

Others Present: Beth Eilers, Jodi Hansen.

Zoom Attendance: Ranee Solis, Amy Liberty, Randy Wood, Carol Cooper, Julie Larson, Deb Burkhardt, Jeff Otto, Carrie Jennings.

Approval of the Agenda

The following changes were made to the agenda:

- Add D. ALAAC report under New Business.
- Add Hansen/Mwaura boundary adjustment under Citizen Inquiry.
- Add C. Mining Ordinance update under Attorney Items.
- Add E. Broadband Grant update under Old Business.

Motion: Chair Barfknecht moved to approve the agenda as amended. Supervisor Fredlund seconded. *Motion carried 5-0.*

Public Comment

**The opinions expressed in public comments are those of the authors and may not represent the official positions of the Town Board. The Town Board does not control or guarantee the accuracy of information contained in the comments, nor does it endorse the views expressed.*

Chair Barfknecht opened the floor for public comment and reminded that if anyone has comment regarding any agenda items, now is your time to speak.

Beth Eilers – 10185 250th St. W.

Beth Eilers informed the Board of a bottling company proposed to be built on our border with Elko/New Market which will utilize around 655,000 gallons of water to perform its processing. Elko/New Market's City Manager has stated their aquifer can support this type of draining of the wells but did not state for how long. This bottling company has the potential to affect numerous citizens in Eureka Township. Ms. Eilers requested the Town Board appear at the December 14th meeting at the Elko/New Market City Hall to speak against the proposed bottling company.

Carrie Jennings -

The Elko/New Market citizens have requested an EAW because the city has already brought water for the industrial park. They are creating structures that exceed their height requirements. Their water plan that has been filed with the Met Council is for a doubling of water in the next 20 years. This would take all of that water, and more, immediately. This would eliminate any growth potential for them based on their current water plan. They are proposing to use their existing well field. The concerns are draw down, plastic pollution, and if it feeds into the headwaters of the Vermillion River it will decrease that flow. Elko/New Market does not currently participate in the metropolitan area regional planning. There will be a lot of truck traffic of bottled water on I-35. The consultant they hired to do the pump test on the city well stated he only used published data and one single pump test. It modeled a drawdown of 40 feet after one year of pumping. If that is continued, you will see an unsustainable use affecting surrounding wells. The other concern I have is that the water in Elko/New Market has high radium, which is radioactive isotope that would need to be removed. If you start doubling the amount of water being pumped, you are doubling the amount of radium concentrated at filters at the surface creating a radioactive disposal problem. They submitted their EAW which has now been referred to the DNR who will decide if an evaluation is needed based on pumping volumes. Met Council has requested a new plan for water use. Overall, this should be a regional discussion.

Motion: Supervisor Kauffman moved for the Town Board Chair to speak at the Elko/Newmarket meeting on behalf of the Eureka Town Board addressing the Township's concerns regarding water and traffic. Vice Chair Palmquist seconded. *Motion carried 5-0.*

Motion: Chair Barfknecht moved that if the Chair is not present at the meeting, any other Supervisor is authorized to speak on the Board's behalf or may add additional comments or concerns. Supervisor Sauber seconded. *Motion carried 5-0.*

Chair Barfknecht asked three times if there were any other attendees who would like to make comment. Hearing none, the floor was closed.

Road Report

Town Hall snow removal

The Board agreed for the road liaisons to reach out to Ottomatic Lawn Care for snow removal at the Town Hall.

Deputy Clerk Liberty informed the Board that she received a call from the Sheriff's Department alerting us to a downed stop sign at Galaxie Avenue and 280th St. W.

Citizen Inquiry

Hansen/Mwaura boundary adjustment

Jodi Hansen requested for the Board to authorize Dakota County Property Taxation and Records to file a corrected survey in connection with the Hansen/Mwaura boundary between Parcel ID's 13-02800-27-021 and 13-02800-27-022.

Motion: Supervisor Sauber moved for the Clerk to send a letter to the County indicating the Township has no objection to the request to file a corrected survey. Chair Barfknecht seconded. *Motion carried 5-0.*

Planning Commission Update – Beth Eilers

Summary of the December 3, 2022, Planning Commission meeting

- Citizen Inquiry regarding a property on 235th. Numerous emails were sent with questions regarding the property. Chair Clancy explained at the front-end of the conversation that we are unable to answer hypothetical questions, but we could answer the question regarding a housing right. It was determined, and confirmed by Mr. Otto, that a fire to the house, which had not been rebuilt, resulted in a loss of the housing right.

Chair Barfknecht questioned the response given about the housing right provided that the Town Attorney advised that our Ordinance is incorrect on rebuilds and is currently being amended. Commissioner Eilers indicated that the Township needs to immediately correct its response to the individual.

- Scott and Shari LaFavre submitted a permit application for an elaborate accessory building which did not meet the requirements of an allowed use. The applicants decided to withdraw the application and will resubmit the application as an attachment to the residence.

Supervisor Sauber noted that the watershed approval was specific to the application submitted, and any changes to the plan might need further review.

- Discussion of the Met Council 2040 Plan amendment was tabled.
- Discussion regarding whether the Town should restrict the size of attached garages. Empire limits garages to three times the size of the house. We will research Credit River to see what limits they have, if any.
- Reviewed housing right forms and will resubmit them with suggested revisions.

Treasurer's Report

Clerk/Treasurer Solis read the Treasurer's Report As on November 30, 2022: New Market Bank checking account: \$274,215.60; Outstanding checks: \$7,697.52; General Fund savings account: \$513,134.76; Road & Bridge Fund savings account: \$498,401.27; Petty cash: \$100; Total assets: \$1,278,154.11; November disbursements: \$31,494.29; November receipts: \$267,475.08.

Motion: Supervisor Sauber moved to approve the Treasurer's Report as presented. Supervisor Fredlund seconded. Roll call vote: Lu Barfknecht – Aye; Donovan Palmquist – Aye; Ralph Fredlund – Aye; Nancy Sauber – Aye; Kathleen Kauffman - Aye. *Motion carried 5-0.*

Net Pay and claims

The Clerk presented payroll in the amount of \$3,838.84 for payment.

The following claims in the amount of \$43,218.54 were presented for payment:

IRS	Tax due December	\$2,332.48
PERA	November payroll	\$1,222.07
Grossman Companies	Oct/Nov grading/snow	\$21,406.50
General Code	Final contract/annual fee	\$2,378.50
ECM Publishers	Ordinance 2022-05 notice	\$63.00
Point North Networks	IT/email/phone	\$345.50
De Lage Landen	Copier rental due January 1	\$95.83
Dakota Electric	November service – shed	\$19.65
Dakota Electric	November service – Town Hall	\$131.33
Tops, Inc	November copies	\$25.08
DSI/LSI	November garbage	\$178.10
T&C Cleaning	December Town Hall cleaning	\$150.00
Inspectron, Inc	November inspections	\$2,077.00
Kennedy & Graven	October special counsel	\$2,238.00
Couri & Ruppe	November legal service	\$9,092.50
Mark Henry	November road mileage	\$182.50
Benafica, LLC	ICHRA for December	\$1,280.50

Motion: Supervisor Fredlund moved to approve the net pay and claims as presented. Chair Barfknecht seconded. Roll call vote: Lu Barfknecht – Aye; Donovan Palmquist – Aye; Ralph Fredlund – Aye; Nancy Sauber – Aye; Kathleen Kauffman - Abstain. *Motion carried 5-0.*

Receipts and Disbursements

The following receipts in the amount of \$267,475.08 were deposited in November:

WS&D Permit Svc	Khoury window permit	\$101.00
Dakota Electric	Anderson ROW permit	\$200.00
Lloyd's Construction	Anderson Demolition	\$101.00
Budget Exteriors	Greene window permit	\$101.00
Crest Exteriors	Roof permit	\$101.00
Roof Time	Burkhardt siding permit	\$101.00
Platinum Builders	Dudgeon roof permit	\$101.00
Platinum Builders	Gannon roof permit	\$101.00
Lloyd's Construction	Anderson Demo balance	\$50.00
Rahn Home Service	Furnace permit	\$100.00
Mad City Homes	Plumbing permit	\$101.00
Dakota Electric	ROW permit	\$200.00
Mi-Tech	ROW permit	\$400.00
Sand Creek Design	LaFavre application	\$25.00
Home Energy Center	Furnace permit	\$101.00
Dakota County	2 nd half property tax	\$265,591.08

The Clerk presented November disbursements in the amount of \$31,494.29.

Motion: Supervisor Fredlund moved to approve the receipts and disbursements as presented. Chair Barfknecht seconded. *Motion carried 5-0.*

Remaining reports

The Cash Control Statement, Schedule 1 and Outstanding Checks were reviewed by the Board.

Resolution 2022-15 Authorizing online Visa payment

Motion: Supervisor Fredlund moved to adopt Resolution 2022-15 authorizing the Treasurer to pay the New Market Bank Visa bill online, upon approval by the Town Board Chair or designee, prior to the Town Board approving the claim. Supervisor Sauber seconded. *Motion carried 5-0.*

The Town Board Chair called for a five-minute recess.

Attorney Items

Draft Ordinance amendment to Chapter 216, Subdivision of Land

Supervisor Kauffman discussed with the attorney the need for a new ordinance to deal with simple lot splits. Attorney Ruppe provided a draft text amendment for review. Pages 1-8 deal with lot splits and the remainder deals with platted subdivisions.

The Board pointed out a few grammatical errors and posed the following questions and concerns:

- Provide further explanation of the purpose of the professional fee responsibility agreement and what items it would cover.
- Include language for designating which lot will contain a nonconforming use or conditional use after the split for parcels which do not require Town Board review.
- Determine fees and charges.

The Board agreed to refer the text amendment, with the noted changes, to the Planning Commission for a Public Hearing to take place between the two January Town Board meetings.

Draft Data Practices Policy

The Board discussed limiting the document to the first two paragraphs, with a list of data that is made available. Minutes, recording, property information. Supervisor Kauffman will check Attorney Ruppe's availability to attend the February 14th meeting for further discussion.

Mining Ordinance update

Supervisor Kauffman reported that the mining ordinance amendment is not yet ready for review. Supervisor Sauber offered to reach out to Ashley Gallagher to request information from the watershed consultant regarding mining. Carrie Jennings suggested the Board consider a minimum definition of "earth moving", indicating the size of spoil piles, storage piles, or excavation that trigger the definition.

Old Business

Mining Superintendent

The Board agreed to the following scope of work for the Mining Superintendent:

1. Inspection of permitted mines and potential non-permitted activities that are regulated by the mining ordinance followed by a report to the Town Board.

2. Inspect the mines each year before annual reviews and follow up as needed to ensure the operation is complying with the approved CUP/IUP reclamation phases.
3. Liaise with the managers of the mine and Board-appointed mine supervisors
4. Monitor and evaluate performance standards by a) reviewing data using the MSHA mine-data retrieval system to review hours worked, history of inspections, trainings, accidents and citations b) reviewing submissions to State and local government to ensure consistency in reporting such as Dakota County Aggregate Tax Documents c) comparing recent air photographs available through Dakota County to map changes in pit area, stock-pile size, non-permitted activities, and any other visible changes in operation.
5. Make an on-site assessment of mine and material being removed to ascertain risks (e.g. slope stability, fugitive dust).
6. Estimate proximity to water table.
7. If provided access to borings conducted by the mine, estimate the number of years to complete the mining activity at current rate. Note, this may vary with construction activities in the area and the availability of other aggregate resources.
8. Communicate with immediate neighbors of the mine for quality-of-life impact of mine operations. Make recommendations for monitoring or change of activities based on these reports.
9. Include in report regional setting from maps and reports from DNR, NRCS, MGS or other reliable sources: the geological setting of the mine and extent of deposits, rare or sensitive biological features in area of the mine, general hydrogeological setting.

The Board inquired as to the amount of time needed to perform the inspections of the mines. Carrie Jennings anticipates a total of 24 hours to inspect and produce reports.

Motion: Chair Barfknecht moved to pay the Mining Superintendent \$65/hour to be assessed to the mines. Supervisor Kauffman seconded. *Motion carried 4-0*, with Supervisor Sauber recused.

Letters to mines

Item tabled until the next meeting.

Employee handbook

Item tabled until the next meeting.

Zoning Administrator outsourcing

Item tabled until the next meeting.

Broadband Grant

Supervisor Kauffman reported that JTN received the broadband grant that we applied for, and we are researching additional grants.

New Business

Resolution 2022-16 polling place

Motion: Supervisor Fredlund moved to approve Resolution 2022-16 designating Eureka Town Hall as the official polling place for elections. Supervisor Sauber seconded. *Motion carried 5-0.*

New Code books

Motion: Supervisor Fredlund moved to authorize the printing of 13 copies of the new code book through TOPS at \$30 each. Supervisor Sauber seconded. *Motion carried 5-0.*

Clerk/Treasurer status

The Clerk announced receiving two or three qualified candidate resumes for Clerk/Treasurer. The Board requested the Clerk set up Zoom interviews for December 15th from 1:00 pm -2:00 pm with Supervisors Palmquist and Kauffman.

Deputy Clerk Liberty requested, and was permitted, to look into utilizing DocuSign by the remote Clerk and Town Board Supervisors.

ALAAC meeting – December 8th

Supervisor Sauber and Commissioner Wood reported a runway expansion is planned which will reconfigure 225th across Cedar Avenue by the end of 2024. MACNOMS.com (MAC Noise and Operations Monitoring System) provides a tool to help MAC staff analyze aircraft noise impacts and provide public access to flight tracking and detailed aircraft noise data.

Minutes

October 29, 2022, Special Town Board/Planning Commission Workshop

Item tabled to allow for Planning Commission review.

November 9, 2022, Town Board Meeting

Motion: Supervisor Sauber moved to approve the minutes as amended. Chair Barfknecht seconded. *Motion carried 5-0.*

November 22, 2022, Town Board Meeting

Motion: Supervisor Fredlund moved to approve the minutes as amended. Vice Chair Palmquist seconded. *Motion carried 4-0*, with Chair Barfknecht abstaining.

Adjournment

Motion: Supervisor Fredlund moved to adjourn the meeting. Vice Chair Palmquist seconded. *Motion carried 5-0.*

Meeting adjourned at 10:27 pm

Respectfully submitted,

Ranee Solis, Town Clerk

Minutes Officially Approved By: _____ on: _____
Town Chair Date